

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PEERLESS INDEMNITY INSURANCE  
COMPANY f/k/a ATLAS ASSURANCE  
COMPANY OF AMERICA

Plaintiff,

v.

AXA GENERAL INSURANCE  
HONG KONG LIMITED,

Defendants.

STIPULATION + Order

Index No.: 07 CV 7638 (PAC)  
Hon. Paul A. Crotty

**WHEREAS**, Plaintiff, Peerless Indemnity Insurance Company ("Peerless"), has filed a complaint (the "Complaint") in the above captioned action (the "Action");

**WHEREAS**, Peerless mailed a copy of the Complaint to defendant, AXA General Insurance Hong Kong Limited ("AXA HK"), on September 4, 2007, along with a Request for Waiver of Service of Summons;

**WHEREAS**, on November 2, 2007, AXA HK returned to Peerless the requested Waiver of Service of Summons, expressly reserving its rights to assert all defenses and objections to the Complaint (except those based on service), including objections to the jurisdiction of the Court and the venue of the Action;

**WHEREAS**, by order signed November 30, 2007, this Court granted the parties' joint request to extend the time for AXA HK to respond to the Complaint until January 7, 2008;

**WHEREAS**, the parties desire an additional brief extension of time for AXA HK's response to the Complaint to enable the parties to continue discussing ways to narrow or resolve the disputes between them;

- 2 -

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the parties, that the date for AXA HK to respond to the Complaint is adjourned until February 11, 2008;

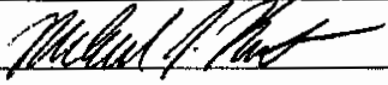
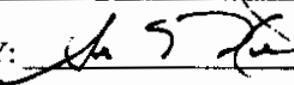
**IT IS FURTHER STIPULATED AND AGREED**, that except as provided herein, the parties each expressly reserve all other rights;

**IT IS FURTHER STIPULATED AND AGREED**, that a facsimile copy of this stipulation shall have the same force and effect as the original.

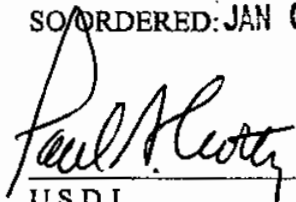
Dated: New York, New York  
January 2, 2008

NELSON LEVINE De LUCA & HORST

LOVELLS LLP

BY: 	BY: 
Michael J. Kurtis ( <i>pro hac vice</i> ) Four Sentry Parkway Suite 300 Blue Bell, PA 19422 (610) 862-6539  Attorneys for Plaintiff Peerless Indemnity Insurance Company	Sean Thomas Keely (SK-8593) 590 Madison Ave 7 <sup>th</sup> Floor New York, NY 10022 (212) 909-0633  Attorneys for Defendant AXA General Insurance Hong Kong Limited

SUBMITTED: JAN 03 2008

  
U.S.D.J.